



**COMHAIRLE NAN EILEAN SIAR**  
**Roinn an Fhoghlaim is Seirbheisean Chloinne**  
Department of Education and Children's Services

# **HOME EDUCATION POLICY**

*Revised July 2017*  
*November 2010*

## **PURPOSE**

- 1.1 The Comhairle recognises the right of parents to educate their children at home and is committed to working in partnership with them.
- 1.2 The purpose of this policy is to encourage the Comhairle and home educating parents to work together to develop trust, mutual respect and a positive relationship that functions in the best interests of children educated at home.

## **SCOPE**

- 2.1 This Policy covers:
  - The right of every child of school age to education
  - The responsibility of parents to provide their children with education
  - The duties of the Comhairle in respect of children who are educated at home
  - The Comhairle's procedures for working with families who choose home education

## **RIGHTS AND RESPONSIBILITIES**

- 3.1 Every child of school age has a right to an education and it is the duty of every parent to provide that education either by sending their child to school or by some other means. Home education is a key aspect of parental choice, and is an equally valid choice alongside the option to send a child to school.
- 3.2 A small number of parents choose to provide a home-based education. The right to home-educate is conditional on parents providing an efficient education suitable to the age, ability and aptitude of the child.
- 3.3 Parents do not need permission to home-educate, but they do need consent to withdraw their child from a Comhairle school in order to home-educate. Consent cannot be withheld unreasonably by the Comhairle.
- 3.4 It is the Comhairle's responsibility to deal fairly, consistently, timeously and accurately with all requests to withdraw a child from school for home education.

## **THE COMHAIRLE'S DUTIES**

- 4.1 In all their educational responsibilities, local authorities should have regard to the views of parents and the decisions that they make in relation to their child's education.
- 4.2 Authorities should seek to support parents in the choices that they make by offering advice, clear and accurate information and resources where feasible.
- 4.3 Even where it has consented to the withdrawal of a child from school, the Comhairle has a statutory duty to intervene if it is not satisfied that an efficient and suitable education is being provided for a home-educated child. This duty applies equally in relation to all children, regardless of whether or not they have previously attended a local authority school in the area.
- 4.4 The duty to intervene means that the Comhairle can compel a parent –
  - a) to appear (with or without the child) before the authority and give such information as the authority may require regarding the means, if any, he has adopted for providing education, or
  - (b) in the option of the parent, to give such information to the authority in writing.
- 4.5 The Comhairle must have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child.

## THE COMHAIRLE'S PROCEDURE

### Consent to withdraw a child from school

**5.1** Parents wishing to withdraw their child from school must write to the Director of Education and Children's Services as soon as is practical to request consent and to provide outline proposals on their proposed educational provision.

**5.2** Consent is not needed if:

- the child has never attended a local authority school
- the child has never attended a Comhairle school
- the child is being withdrawn from an independent school
- the child has finished primary education in one school but has not started secondary education in another, or
- the school the child has been attending has closed.

However, parents must still provide their home-education proposals.

**5.3** If a child's Head Teacher (HT) becomes aware that parents are considering withdrawing their child from school, he or she will advise parents of the correct procedure. In these circumstances, the Head Teacher will notify the Learning Support Manager (LSM) that the child is likely to be withdrawn from school and that the parents have been advised to write to him/her.

**5.4** On receipt of notification from the HT and/or a letter from parents, the Director will refer the request to the LSM who will:

1. update the Authority's database accordingly, noting the request;
2. consult Comhairle records to establish whether there is reason to consider that it may be in the child's interests to refuse consent;
3. write a letter of acknowledgement to the parents, within 5 working days, explaining what happens next, copied to the HT, and the Area Principal Teacher of Learning Support (PTLS);
4. ask the Area PTLS to contact the family.

**5.5** The area PTLS will make initial contact with the family to:

- confirm the parents' intentions;
- outline the Comhairle's wish to work with parents and to provide support;
- clarify the Comhairle's duties in respect of families who home-educate;
- offer advice and support in the process of seeking consent;
- seek the views of the child as appropriate;
- ensure that the parents are aware of the Comhairle's willingness to support flexi-schooling in appropriate circumstances;
- advise parents of independent sources of support (e.g. Schoolhouse).

**5.6** Consent may not be granted immediately when it may be in the child's interests to delay consent, including circumstances where:

- the child is the subject of referral under child protection procedures;
- the child is on the child protection register;
- the child is the subject of referral to the Reporter on care and protection grounds;
- the child is the subject of a supervision requirement;
- there is information on record casting doubt on whether a suitable and efficient education can be provided.

**5.7** If, having carried out appropriate checks, the Comhairle has no evidence of reasonable grounds to withhold consent, and parents have provided some indication of their educational objectives and proposed resources, consent will be granted, and parents should be notified in writing by the LSM usually within 5 working days.

- 5.8** Otherwise, wherever possible the LSM should issue a written decision within six weeks of receiving the written request to withdraw a child from school, unless particular circumstances indicate that it may be in the child's interests to delay a decision until further information is gathered.
- 5.9** In the period between receipt of an application to withdraw a child from school and a decision being issued, the Comhairle will take a reasonable approach to attendance procedures.
- 5.10** Where consent is withheld, the reasons will be given in writing and parents given the opportunity to address the grounds for refusal, with support from the Area PTLs made available to parents to put in place suitable arrangements for the child's home education.

### **Right to Appeal**

- 5.11** Parents have no formal right of appeal should the Comhairle not consent to their child being home-educated.
- 5.12** If consent is withheld however, the parents will be given the opportunity to address the grounds for refusal and resubmit their request for reconsideration within 28 days. The resubmitted request will be sent to the Head of Service who will be required to respond in writing usually within 14 days.
- 5.13** Parents will also be informed by the PTLs of the complaints procedure should their request to Home Educate be refused.
- 5.14** Under the Comhairle's complaints procedures, parents can write to the Director of Education and Children's Services who will appoint an investigating officer to look into the complaint. Parents will also be informed about local mediation services which they should be supported to access.

### **Evidence of an efficient and suitable education**

- 5.15** While there is no legal definition of what constitutes suitable and efficient education, the Comhairle will reasonably expect the provision to include the following characteristics.
- Consistent involvement of parents or other significant carers.
  - Presence of a philosophy or ethos (not necessarily a recognised philosophy), with parents showing commitment, enthusiasm, and recognition of the child's needs, attitudes and aspirations.
  - The opportunity for the child to be stimulated by their learning experiences.
  - Involvement in a broad spectrum of activities appropriate to the child's stage of development.
  - Access to appropriate resources and materials.
  - The opportunity for an appropriate level of physical activity.
  - The opportunity to interact with other children and adults.
  - The fit with the principles of the Curriculum for Excellence.

### **Ongoing contact between home educating families and the Comhairle**

- 5.16** Parents who home-educate may contact the Comhairle at any time for further advice or guidance.
- 5.17** Scottish Government guidance recommends that local authorities have annual contact with home educating families in order to be sufficiently informed to fulfil their duties. A more frequent level of contact may be agreed in consultation with the parents and the Area PTLs. Annual reports will be sent to the LSM by the Area PTLs, copied to parents, to enable the LSM to be satisfied that an efficient and suitable education is being provided. These reports will take full account of current national guidance and explicitly make reference to contact with peers and adults, educational process/programme(s), resources and samples of work produced and, where appropriate, any additional support needs the child may have.

### **Action in the event that there is insufficient evidence to enable the Comhairle to be satisfied**

- 5.18** If the Comhairle has reason to believe that an efficient education is not being provided for a home educated child, they have a duty to intervene. This duty applies equally in relation to all children, regardless of whether or not they have previously attended a local authority school in the area.

- 5.19** In most cases the LSM will be satisfied with the reports submitted by the PTLS, will write to parents to confirm this and will update the database accordingly.
- 5.20** In the event that the LSM is not satisfied that a child is receiving an efficient and suitable education on the basis of the PTLS report, and further contact between the family and the PTLS does not result in sufficient evidence being provided, the Comhairle has a duty to take action.
- 5.21** Under these circumstances the Head of Service will serve notice on parents requiring them to provide the necessary information in person or in writing, within fourteen days of notice being served, to enable the authority to be satisfied. If the authority is still not satisfied after the period of notice has expired it is required to make an attendance order. Prior to such an order being issued the Head of Children's Services will convene a meeting which will usually include the LSM, the Area PTLS, the Children's Services Manager, the Principal Psychologist and other staff as appropriate, to consider the information available and decide on a child-centred course of action.

#### **Child Protection concerns**

- 5.22** The welfare and protection of all children, both those who attend school and those who are educated by other means, is of paramount concern and is the responsibility of the whole community. As with school educated children, child protection issues may arise in relation to home-educated children.
- 5.23** If any child protection concerns come to light in the course of engagement with children who are home-educated, these concerns will immediately be referred, as per the Western Isles Child Protection Procedures, to Children and Family Services staff who have the legal responsibility to carry out investigations into such concerns.

